



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION MEETING**  
**ACTION MINUTES**  
**TOWN COUNCIL CHAMBERS**  
**110 E. MAIN STREET**  
**WEDNESDAY, FEBRUARY 14, 2007 -- 7:00 P.M.**

Please refer to compact disk # 02-14-07 to hear the entire proceedings of this meeting.

**ROLL CALL:**

Present: Joanne Talesfore, Chair; D. Michael Kane, Vice Chair; John Bourgeois, Phil Micciche, Stephen M. Rice and Marico Sayoc  
Absent: Thomas O'Donnell  
Others: Assistant Community Development Director Randy Tsuda, Associate Planners Sandy Baily and Joel Paulson Associate Civil Engineer Fletcher Parsons and Town Attorney Orry Korb

**SUB-COMMITTEE REPORTS - NONE**

**VERBAL COMMUNICATION**

Ray Davis Commented on the staff use of recommendations in reports to manipulate the outcome of the applications, DRC approval of Chirco Drive home, the loss of privacy of the Greene's home adjacent to the recently approved Placer Oaks project and the DeSantis mansion project in the mountainside.

**APPROVAL OF MINUTES**

**January 28, 2007** - Motion by Commissioner Bourgeois and seconded by Commissioner Rice to approved meeting minutes. Passed 6-0 with Commissioner O'Donnell absent.

**CONSENT CALENDAR - NONE**

**CONTINUED PUBLIC HEARING - NONE**

**NEW PUBLIC HEARINGS**

ITEM 1 **50 University Avenue**  
Conditional Use Permit U-06-07

Requesting approval to have live entertainment and events in the amphitheater and unenclosed areas within the Old Town Shopping Center on property zoned C-2:PD:LHP. APN 529-02-044  
PROPERTY OWNER/APPLICANT: SRI, Old Town, LLC

PUBLIC TESTIMONY by Collette Navarrette, Ira Spector, Larry Arzie and Sandy Decker.

**MOTION:** Motion by Commissioner Micciche and seconded by Commissioner Rice to approve Conditional Use Permit U-06-07 with the following modifications:

8. **LIMITATION.** Only one event at a time is permitted. ~~No more than eight event days shall be held per month. A maximum of 36 event days are permitted per calendar year as defined in Attachment A of these conditions~~ **defines the limitation of the event period.**
11. **HOURS OF OPERATION.** The maximum hours of the event(s) shall be from 10 A.M. to 9 P.M. ~~seven days a week~~ **pursuant to the days and months outlined in Attachment A of these conditions.** Maximum hours for musical entertainment shall be from 11:00 AM to 9 PM ~~seven days a week~~ **pursuant to the days and months outlined in Attachment A of these conditions.** These hours do not include setup or cleanup.
12. **NEIGHBORHOOD NOTIFICATION.** Old Town shall provide written notice to property owners and occupants within **at least** 500 feet of the site that they are permitted to host events throughout the year. **The notification boundary shall extend up University and Edelen Avenues to Highway 9.** A copy of this notice shall be provided to the Town. The notice shall include a local phone number to call if an issue arises during an event. This notice shall be sent only one time and must be sent within 60 days of the approval of this conditional use permit or not less than ten (10) days prior to holding the first event. The noticed area shall be approved by the Town. Old Town shall work with the Chamber of Commerce to provide contact information in the Chamber's newsletters.
15. **AD HOC COMMITTEE.** **An ad hoc entertainment committee shall be formed consisting of the Old Town Special Events Coordinator and residents of the adjoining neighborhood. The committee shall meet at least quarterly, or as issues arise. Old Town shall maintain a record of complaints and their response or action to these complaints. This record shall be made available to Town staff upon request**
17. **NOISE.** Amplified entertainment is not permitted. **There shall be no amplified, electric or percussive music.** Noise levels shall comply with the provisions of the Noise Ordinance as set forth in Section 16.20.040 of the Town Code.

Motion failed 3-3 with Commissioners Sayoc, Bourgeois and Kane dissenting and Commissioner O'Donnell absent.

**MOTION:** Motion by Commissioner Rice and seconded by Commissioner Bourgeois to approve Conditional Use Permit U-06-07. The required findings were made as noted in Exhibit K of the report dated February 8, 2007 and the application incorporated conditions as noted in Exhibit L of the report dated February 8, 2007 with the following modifications:

8. LIMITATION. Only one event at a time is permitted. ~~No more than eight event days shall be held per month. A maximum of 36 event days are permitted per calendar year as defined in Attachment A of these conditions~~ **defines the limitation of the event period.**
11. HOURS OF OPERATION. The maximum hours of the event(s) shall be from 10 A.M. to ~~8 P.M. seven days a week~~ **pursuant to the days and months outlined in Attachment A of these conditions.** Maximum hours for musical entertainment shall be from 11:00 AM to ~~8 PM seven days a week~~ **pursuant to the days and months outlined in Attachment A of these conditions.** These hours do not include setup or cleanup.
12. NEIGHBORHOOD NOTIFICATION. Old Town shall provide written notice to property owners and occupants within **at least** 500 feet of the site that they are permitted to host events throughout the year. **The notification boundary shall extend up University and Edelen Avenues to Highway 9.** A copy of this notice shall be provided to the Town. The notice shall include a local phone number to call if an issue arises during an event. This notice shall be sent only one time and must be sent within 60 days of the approval of this conditional use permit or not less than ten (10) days prior to holding the first event. The noticed area shall be approved by the Town. Old Town shall work with the Chamber of Commerce to provide contact information in the Chamber's newsletters.
15. **AD HOC COMMITTEE. An ad hoc entertainment committee shall be formed consisting of the Old Town Special Events Coordinator and residents of the adjoining neighborhood. The committee shall meet at least quarterly, or as issues arise. Old Town shall maintain a record of complaints and their response or action to these complaints. This record shall be made available to Town staff upon request.**
17. NOISE. Amplified entertainment is not permitted. **There shall be no amplified, electric or percussive music.** Noise levels shall comply with the provisions of the Noise Ordinance as set forth in Section 16.20.040 of the Town Code.

Motion carried 6-0 with Commissioner O'Donnell absent.

*Appeal rights recited by Mr. Korb.*

Commissioner Kane recused himself from discussion of Item 2.

ITEM 2      **22 S. Santa Cruz Avenue**  
Conditional Use Permit U-07-14

Requesting approval for a personal service business in conjunction with an existing retail store (Mison) on property zoned C-2. APN 510-45-014.  
PROPERTY OWNER: Ron Tate  
APPLICANT: Rene Chadsey

PUBLIC TESTIMONY by Rene Chadsey, Teri Hope, Larry Arzie, Larry Wallerstein, Regina Avanesian, Shaleen Dae Hernandez and Janice Benjamin.

**MOTION:** Motion by Commissioner Bourgeois and seconded by Commissioner Rice to deny Conditional Use Permit U-07-14.

Motion failed 2-3 with Commissioners Sayoc, Micciche and Talesfore dissenting, Commissioner O'Donnell absent and Commissioner Kane recused.

**MOTION:** Motion by Commissioner Micciche and seconded by Commissioner Sayoc to approve Conditional Use Permit U-07-14. The required findings were made as noted in Exhibit A of the report dated February 8, 2007 and the application incorporated **revised** conditions as noted in Exhibit B of Desk Item dated February 14, 2007.

Motion carried 3-2 with Commissioners Bourgeois and Rice dissenting and Commissioner Kane recused and Commissioner O'Donnell absent.

*Appeal rights recited by Mr. Korb.*

ITEM 3      **20103 Foster Road**  
Architecture and Site Application S-07-017

Requesting approval to construct a new single family residence on property zoned HR-5:PD. APN 537-33-02.

PROPERTY OWNER: John and Judy Brady

APPLICANT: Noel F. Cross

PUBLIC TESTIMONY by Noel Cross, Ray Davis, Peggy Dallas, Alastair Dallas and Joe McCarthy.

**MOTION:** Motion by Commissioner Bourgeois and seconded by Commissioner Micciche to approve Architecture and Site Application S-07-017. The required findings were made as noted in the report dated February 9, 2007 and the application incorporated conditions as noted in Exhibit F of the report dated February 9, 2007 with the following modifications:

10. TREES. Newly planted trees shall be double staked, using rubber tree ties and shall be planted prior to final occupancy. **The Cork Oak and Luma trees shall be changed to a Town approved native species, preferably from the trees listed in Appendix A of the Hillside Development Standards and Guidelines. A revised landscape plan incorporating these changes shall be submitted to the Town for approval. The approved landscape plan shall be incorporated in the building permit plans.**

12. **GATE. The proposed driveway gate shall comply with the standards as set forth in the Town's Hillside Development Standards and Guidelines.**
13. **WALLS. The appearance of all and/or landscape walls shall be consistent with the appearance shown on the approved plans and renderings.**

Motion carried 6-0 with Commissioner O'Donnell absent.

*Appeal rights recited by Mr. Korb*

ITEM 4      **23-25 N. Santa Cruz Avenue**  
Architecture and Site Application, S-07-45  
Conditional Use Permit U-07-19

Requesting approval of exterior modifications to a commercial building and to operate a Formula Retail Business (Apple) on property zoned C-2. APN 510-44-034 and 035.

PROPERTY OWNER: Santa Cruz Real LLC

APPLICANT: David Itzla - Apple Computer

PUBLIC TESTIMONY by Benjamin Fay, Larry Arzie and Ray Davis.

**MOTION:** Motion by Commissioner Micciche and seconded by Commissioner Kane to approve Conditional Use Permit U-07-19. Motion by Commissioner Micciche and seconded by Commissioner Rice to approve Architecture and Site application S-07-45. The required findings were made for both applications as noted in Exhibit A of the report dated February 8, 2007 and the applications incorporated conditions as noted in Exhibit B of the report dated February 8, 2007.

**MOTION:** Motion for Conditional Use Permit passed 6-0 with Commissioner O'Donnell absent. Motion for Architecture and Site Application passed 5-1 with Commissioner Kane dissenting and Commissioner O'Donnell absent.

*Appeal rights recited by Mr. Korb.*

**CONTINUED OTHER BUSINESS** - NONE

**NEW OTHER BUSINESS**

Report from Director of Community Development - Mr. Tsuda commented that two commissioners have not responded as to their attendance at the Planners Institute on March 21-23, 2007 in San Diego.

Commission Matters - Commissioner Kane thanked staff for the memo regarding the public use of the soccer fields at the Jewish Community Center. Thanked Mr. Davis for asking the question at a previous meeting since the memo provided data that showed 85% of the use is by nonmembers.

**ADJOURNMENT**

Chair Talesfore adjourned the meeting at approximately 11:15 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION  
February 14, 2007

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Joanne Talesfore, Chair

APPROVED AS TO FORM AND ATTEST:

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Randy Tsuda  
Assistant Director of Community  
Development

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Bud N. Lortz  
Director of Community Development